

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the

Western District of Washington

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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTONIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Subject Instagram Accounts and Subject Roblox
Accounts

Case No.

MJ18-5037

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Subject Instagram and Roblox Accounts as further described in Attachment A, which is attached hereto and incorporated herein by this reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is attached hereto and incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 18, U.S.C. § 2252 (a)(2)
 Title 18, U.S.C. § 2422(b)
 Title 18, U.S.C. § 2251(a)

Offense Description
 Receipt and Distribution of Child Pornography
 Enticement of a Minor
 Production of Child Pornography

The application is based on these facts:

See attached Affidavit

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

SPECIAL AGENT JAYME MCFARLAND, HSI

Printed name and title



Judge's signature

DAVID W. CHRISTEL, U.S. MAGISTRATE JUDGE

Printed name and title

2017R01076

Sworn to before me and signed in my presence.

Date: 2/15/2018

City and state: TACOMA, WASHINGTON

AFFIDAVIT

STATE OF WASHINGTON

55

COUNTY OF PIERCE

I, Jayme McFarland, Special Agent, United States Department of Homeland Security, Homeland Security Investigations, being first duly sworn under oath, depose and state as follows:

11 1. I am a Special Agent with the U.S. Department of Homeland Security
12 (DHS), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge
13 Seattle, Washington, field office. I have been a Special Agent with HSI since December
14 2010. I completed the Criminal Investigator Training Program and the HSI Special Agent
15 Training Program located at the Federal Law Enforcement Training Center in Glynco,
16 Georgia. My training included courses in law enforcement techniques, federal criminal
17 statutes, conducting complex criminal investigations, physical and electronic surveillance
18 techniques, and the execution of search warrants. During my employment as a law
19 enforcement officer, I have attended periodic seminars, meetings, and continued training

20 2. As part of my duties as an HSI Criminal Investigator, I investigate criminal
21 violations relating to child exploitation and child pornography including violations of
22 Title 18, United States Code §§ 2251(a), 2252(a)(2), and 2422(b). I have received
23 training in the area of child pornography and child exploitation, and have observed and
24 reviewed numerous examples of child pornography in various forms of media, including
25 media stored on digital media storage devices such as computers, tablets, cellphones, etc.
26 I have also participated in the execution of numerous search warrants involving
27 investigations of child exploitation and/or child pornography offenses. I am a member of
28 the Seattle Internet Crimes Against Children (ICAC) Task Force for the Western District

1 of Washington, and work with other federal, state, and local law enforcement personnel
2 in the investigation and prosecution of crimes involving the sexual exploitation of
3 children.

4 3. I make this Affidavit in support of an application under Rule 41 of the
5 Federal Rules of Criminal Procedure for a warrant for information associated with certain
6 social media accounts as detailed below in paragraphs 4 and 5 and further described in
7 Attachment A (the SUBJECT ACCOUNTS).

8 4. Records and information associated with the Instagram accounts
9 “B3stingbeast” (“BENSON INSTAGRAM ACCOUNT”);
10 [REDACTED] (“MV INSTAGRAM ACCOUNT 1”);
11 [REDACTED] (“MV INSTAGRAM ACCOUNT 2”); and
12 [REDACTED] (“MV2 INSTAGRAM ACCOUNT”),

13 that are stored at the premises controlled by Facebook, a social media platform
14 headquartered at 1601 Willow Road, Menlo Park, CA 94025.

15 5. Records and information associated with the Roblox account
16 [REDACTED] (“MV ROBLOX ACCOUNT”)
17 that are stored at the premises controlled by Roblox, a user-generated massive
18 multiplayer online social gaming platform headquartered at 60 East third Avenue, Suite
19 201, San Mateo, CA 94401.

20 6. On December 12, 2017, the Honorable Theresa L. Fricke issued search
21 warrants for the SUBJECT ACCOUNTS (as well as other social media accounts) under
22 Cause No. MJ17-5216. Upon serving those warrants, I learned that Roblox had no
23 records associated with MV ROBLOX ACCOUNT. Upon further investigation, I
24 realized that the original search warrant application contained a typographical error,
25 which I have corrected. In addition, Instagram informed me that they would not accept
26 the search warrants unless they were directed specifically to “Instagram LLC.”
27 Accordingly, I am submitting this application to address these deficiencies so that I can
28 obtain the requested information related to the SUBJECT ACCOUNTS.

1 7. This affidavit is made in support of an application for a search warrant
2 under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Instagram and
3 Roblox, to disclose to the government copies of the information (including the content of
4 communications) further described in Section I of Attachment B. Upon receipt of the
5 information described in Section I of Attachment B, government-authorized persons will
6 review that information to locate the items described in Section II of Attachment B.

7 8. The facts set forth in this Affidavit are based on my own personal
8 knowledge; knowledge obtained from other individuals during my participation in this
9 investigation, including other law enforcement officers; the review of documents and
10 records related to this investigation; communications with others who have personal
11 knowledge of the events and circumstances described herein; and information gained
12 through my training and experience.

13 9. Because this Affidavit is submitted for the limited purpose of providing
14 sufficient facts necessary to determine whether there is probable cause in support of the
15 application for a search warrant, it does not set forth each and every fact that I or others
16 have learned during the course of this investigation. I have set forth only the facts that I
17 believe are relevant to the determination of probable cause to believe that evidence,
18 fruits, and instrumentalities of violations of 18 U.S.C. § 2251(a) (Production of Child
19 Pornography), 18 U.S.C. § 2252(a)(2) (Receipt/Distribution of Child Pornography), and
20 18 U.S.C. § 2422(b) (Enticement of a Minor) will be found in the SUBJECT
21 ACCOUNTS.

22 **I. INTRODUCTION AND BACKGROUND**

23 10. This investigation began when Canadian law enforcement notified HSI
24 Seattle that Washington State resident, later identified as Morgan Robert BENSON, had
25 been sexually exploiting a Canadian minor (MV) over the Internet.

26 11. The investigation revealed that BENSON had initiated an online
27 relationship with a thirteen-year-old Canadian. The two communicated over various
28

1 social media platforms, including Facebook, Instagram, and Roblox—a social media
2 forum for online gaming.

3 12. On October 19, 2017, BENSON was arrested, and a Grand Jury sitting in
4 the Western District of Washington subsequently indicted BENSON for receipt of child
5 pornography. As explained below, the investigation has revealed that BENSON may also
6 have engaged in a relationship with an unidentified twelve-year-old girl, MV2. The
7 investigation also uncovered MV, BENSON, and MV2 communicated with an unknown
8 person who was MV's "boyfriend" (UP1).

9 II. SUMMARY OF INVESTIGATION

10 13. On October 12, 2017, the HSI Seattle Field Office was contacted by the
11 HSI International Attaché Office in Vancouver, Canada (CAN), in collaboration with the
12 Royal Canadian Mounted Police (RCMP) and informed that a female minor victim (MV,
13 DOB: XX/XX/2003) reported being coerced into providing nude photos of herself to an
14 adult male who identified himself via Facebook and Instagram as "Morgan Benson".
15 According to the Washington State Department of Licensing Morgan BENSON is a
16 nineteen-year-old male residing in Spanaway, Washington. The following is a description
17 of the investigation conducted by RCMP:

18 a. On October 7, 2017, MV's mother contacted the Richmond, Canada,
19 RCMP after she discovered a sexually explicit text conversation between MV and
20 BENSON on MV's cellphone. MV's mother also observed a picture of BENSON's penis
21 on the cellphone. The Richmond RCMP responded to interview MV, however, MV was
too afraid to discuss her relationship with BENSON at that time.

22 b. On or about October 11, 2017, MV attended an online safety
23 presentation performed by RCMP Constable (Cst.) J. Freeman at her school. MV
decided to come forward and disclose she was being contacted by an adult male who was
24 asking her to send nude photos of herself to him via text and internet.

25 c. On October 12, 2017, RCMP Cst. Freeman interviewed MV and
26 MV's father at the Richmond RCMP Detachment. MV stated BENSON reached out to
27 her in August 2017 via Instagram and they began communicating as friends then
progressed to "boyfriend and girlfriend." MV explained she believed that to mean when
28 they began an online sexual relationship. MV admitted she exchanged sexually explicit

1 texts with BENSON and allowed the law enforcement officers to view the messages. MV
2 stated BENSON asked her on multiple occasions to send him nude photos of herself. MV
3 said she began sending the nude photos to BENSON in September 2017. MV described
4 the photos she sent to BENSON as a close-up photo of her vagina as well as a photo that
5 showed her vagina, breasts, and face. MV also admitted to sending nude photos of herself
via the Instagram camera within the application. MV claimed she received several photos
of BENSON's penis during the same period.

6
7 d. MV and her father provided RCMP Cst. Freeman with her
8 Facebook, Instagram, and Roblox username and passwords. MV and MV's Father
9 consented to allow RCMP and United States Law Enforcement Officials to inspect MV's
following social media account info for BENSON:

- 10
11 • BENSON Facebook username: morgan.benson (BENSON
12 FB ACCOUNT)
13 • BENSON Instagram username: b3stingbeast (BENSON
14 INSTAGRAM ACCOUNT)

15 14. I viewed the publicly visible information displayed on Morgan.Benson's
16 Facebook webpage and b3stingbeast's Instagram picture and compared these pictures
17 with the License photo for Morgan Robert BENSON, DOB XX/XX/1998, on file with
18 WSDOL. The pictures portray the same individual and confirm Morgan.Benson,
19 B3stingbeast and Morgan BENSON are the same person.

20 15. I reviewed the cellphone text and Instagram conversations between MV and
21 BENSON referenced by RCMP Cst Freeman that took place between September 2017
22 and October 2017. These messages reflect, among other things, conversations between
23 BENSON and MV in which BENSON strategically grooms MV for the purpose of
24 enticing her to send nude photos of her genitalia to BENSON via the internet and text
25 message. As described above, MV stated BENSON knew she was thirteen years of age.
26 The following is an excerpt of Instagram chats between MV (MV INSTAGRAM
27 ACCOUNT 1) and BENSON (BENSON INSTAGRAM ACCOUNT) on September 24,
28 2017:

1 BENSON Show daddy
2 MV Now
3 BENSON Yes
4 MV Ok u asked for it
5 BENSON Daddy did
6 MV U really want to do this
7 BENSON Mhm
8 MV Think really hard about this cause remember I'm ur daughter
9 BENSON Yes I know but this is only for tonight
10 MV What did u mean by that
11 BENSON I'm only doing this tonight after that I'm treating you like my
12 MV daughter again
13 BENSON :/ interesting
MV Show daddy and daddy may show you
14 BENSON :/
15 MV I am double thinking
16 BENSON So you don't want to see daddy's big dick
17 MV XD I do but I don't want u to see me
18 BENSON I won't show you unless you show me you have to be fair

19 BENSON //////////////
20 BENSON But I'm not gonna give you one if you don't be fair and give
21 MV daddy one I'm also doing this for my pride.-.
22 BENSON //////////////
23 BENSON Still tho
24 MV If you want a hot dick pic from daddy you have to give me
one too
25 BENSON I wish u were here
26 MV I am not gonna ask it's fine
27 BENSON I tell [UP1] then?
28 MV wait what
BENSON That's so unfair
MV Cause I kinda want to give you one for your own good
BENSON I have to now
MV That my only option
BENSON But the only way for me to give you a dick pic is for you to
give me one in return so my pride isn't destroyed
I had to give up my pride to help you masturbate us know
:/

1 MV So be fair
2 BENSON :/
3 MV [MV]
4 BENSON I'm nervous
I've never sent pics of down there
Don't be imagine I'm [UP1]
Just send a naked pic in a mirror of your body it's a lol easier
then sending just that :/
6 MV this is so bad
7 BENSON I'll have to tell [UP1] if not
8 MV :/
B 5
9 4
10 3
2
11 MV Ok ok
12 BENSON 1
13 MV I'll do it
14 BENSON Good girl
15 MV As long as u leave [UP1] outta this
16 BENSON I promise
17 MV ok
16 BENSON Don't judge
17 BENSON I won't
18 MV ***Sends Image file:
27785010173063879789050360663900160.jpg

19 16. The image referenced in the above chat was sent on September 24, 2017, at
20 04:46:59. The following is a description of the image that I saw sent via the Instagram
21 chat:

22 Image: 27785010173063879789050360663900160.jpg
23 This image depicts a close up view of a female's vagina and a portion of
24 her buttocks with the legs partially spread. The female is using her left hand
25 to reach down and with her pointer and middle finger; the female is
spreading her labia exposing her vagina and clitoris. The image appears
purple in tint possibly due to the angle of the lighting.

26
27 17. Additionally, the following excerpt demonstrates BENSON's continued
28 attempts to entice MV to send additional nude photos of herself and provides instructions

1 for what he wants to see:

2 BENSON Babe
3 MV Hey wasup
4 BENSON Till remind you
MV ??
5 Huh
6 Babe what do u mean by that
Are you talking about the dick pic
7 yes and the deal we made with it
MV I did my share
8 BENSON Remember tonight you were gonna let me see your entire
body nude not just your chest
9 It's what you told me
10 MV God damnit
11 BENSON hehe
Well
12 MV Daddy's waiting
BENSON Ok ok
14 MV You gonna make daddy wait
There
15 BENSON I sent it
Didn't show up
Send it to my phone babe
16 MV I can't
My phone don't do that
Hang on imma try again
18 BENSON And babe what I mean by that is I wanna see you head to feet
naked
20 MV It's sending
Did u get it
21 BENSON Cause daddy wants to see those sexy lil legs of yours too
No
23 MV Uhgggg

24 18. On October 18, 2017, SA McFarland applied for and obtained search
25 warrants for BENSON's home and person. On October 19, 2017, HSI Seattle Agents,
26 with the assistance of Pierce County Sheriff's office, executed those warrants.

27 19. On October 19, 2017, at approximately 10:30 AM, SA McFarland and SA
28 Crowder interviewed BENSON. SA McFarland advised BENSON of his rights from a

1 pre-printed Miranda form; SA Crowder witnessed. BENSON stated he understood his
 2 rights and spoke to the agents without an attorney present.

3 20. During the interview, BENSON acknowledged that he had Facebook,
 4 Instagram, Snapchat, and Roblox accounts. SA McFarland allowed BENSON to access
 5 his Samsung cellphone during the interview and he provided the agents with the
 6 passcode. When BENSON turned on his cellphone, SA McFarland observed a video of
 7 MV dancing playing on BENSON's phone. BENSON volunteered that he uses the same
 8 username for Instagram and Snapchat, "B3STINGBEAST". SA McFarland noted
 9 B3STINGBEAST is the username of the individual who was communicating with MV in
 10 a sexually explicit manner and requesting nude photos of MV via Instagram which SA
 11 McFarland observed during the review of MV's devices. During the interview, SA
 12 McFarland inspected BENSON'S Instagram account and located the conversation
 13 referenced above which occurred on September 24, 2017.

14 21. BENSON stated he had also communicated with MV through an
 15 application known as "Roblox". According to BENSON, he, MV, and a third individual
 16 he knew as "[MV2]" were engaged in a "family-like" relationship via the Roblox
 17 application. BENSON admitted he was the "Daddy", MV was "Baby girl", and MV2 was
 18 the "Mommy". The following is an excerpt SA McFarland saw of an Instagram chat
 19 between MV and BENSON in which he confirms his awareness of MV2's age:

20 BENSON Your actually older than mommyXD
 21 MV XD
 22 BENSON Mommy is 12
 23 MV I'm 14
 24 BENSON ik lol
 25 I'm 18

26 22. During a review of MV's Roblox account data found on MV's digital
 27 devices, I saw multiple chats involving MV, MV2, UP1, and BENSON using their
 28 respective Roblox accounts: MV ROBLOX ACCOUNT, MV2 ROBLOX ACCOUNT,
 UP1 ROBLOX ACCOUNT, and BENSON ROBLOX ACCOUNT 1. The conversation

1 below is an example of the communications that I saw.

2

3

UP1

Heyy

4

MV2

Sup

5

BENSON

Nice to meet you. I'm [MV2]

6

MV2

I told her about some of the stuff we do XD

7

BENSON

I wanna kill you now

8

And slap you 😊

9

BENSON

Did you know your mom is a yandere ("yandere" is an anime character who is crazy about someone else, literally and violently)

10

Mom got rlly embarrassed cause she ##### ##### for the first time Cx

11

With me of course XD

12

You like doing inappropriate things like you were telling me to do all day

13

MV

Mom do u want another kid?

14

BENSON

Its why she tried to do me today a lot

15

Mom wanted me to do her badly

16

I'm good w/ other things >> mom knows Cx

17

23. On multiple occasions, I saw communications between MV and BENSON over Instagram and Roblox in which MV identified a secondary a secondary Instagram account that belonged to her, MV INSTAGRAM ACCOUNT 2.

18

24. During one of the Roblox chats, MV2 provided her Instagram account user name as well: MV2 INSTAGRAM ACCOUNT.

19

III. BACKGROUND REGARDING INSTAGRAM'S SERVICES

20

25. Instagram is an online social networking application made for photo-sharing that enables its users to take pictures and share them either publicly or privately on the app, as well as through a variety of other social networking platforms, such as Facebook, Twitter, Tumblr, and Flickr. In August 2015, a new version of Instagram was developed which allows users to upload media captured in any aspect ratio. Users can also apply digital filters to their images and videos. Instagram was acquired by Facebook in April 2012.

26

1 26. Every user who creates an Instagram account has a profile and news feed.
2 When a user posts a photo or video on Instagram, it will be displayed on the user's
3 profile. A user profile may be customized to include the user's name, photo, short
4 biography and a website link, if the user has one. Users who "follow" you will see your
5 posts in their own feed. Likewise, you will see posts from the users whom you follow on
6 your news feed. A user profile can be set to public or private. If a user account is public,
7 anyone can find and view the user's profile along with all the photos and videos they
8 post.

9 27. A user can interact with other users on Instagram by following them, being
10 followed by them, commenting on the other user's posts, liking and/or tagging another
11 user's posts, and by exchanging private messages with other users. Additionally, a user
12 can save photos they see on Instagram.

13 **V. BACKGROUND REGARDING ROBLOX'S SERVICES**

14 28. Roblox is a user-generated massive multiplayer online social gaming
15 platform. The name Roblox was created by blending the words, "robots" and "blocks."
16 Roblox users create their own virtual worlds and design their own avatars and games
17 within the platform. Each user can request their own pieces of virtual real estate on which
18 they can build houses, cars, machines, roller coasters, or anything else they can imagine
19 with building blocks and code; these are called, "games". Users search for, find, and play
20 games made by other users in a persistent online environment, playing these games with
21 other users from around the world.

22 29. Roblox Registration: New users must register with a username, email
23 address, and date of birth. After registration and email verification, the new user then
24 selects and customizes a visual character that is used as his or her identity in the Roblox
25 world.

26 30. The Roblox world has its own virtual currency: ROBUX. Users can earn or
27 purchase ROBUX in a variety of ways, and it can be used to buy or sell items within a
28 platform. Users can also sell ROBUX back to Roblox subject to certain participation

1 requirements (including being 13 years of age or older). Activities in Roblox world
 2 include exploring, crafting items, resource gathering, and combat. Users interact with
 3 each other through in-game chat, personal messaging (within the Roblox environment),
 4 and user forums. Players can add other people they meet in the game to their friends list.
 5 A player can have a maximum of 200 friends and infinite followers. Players also have the
 6 option to join community groups. After joining, players can then advertise their group,
 7 participate in group relations, and set their default group.

VI. PAST EFFORTS TO OBTAIN THIS EVIDENCE

9 31. Some of this evidence is available on digital devices seized as part of this
 10 investigation. However, additional content and records are likely in the custody or
 11 control of Facebook/Instagram and Roblox. In addition, I sent preservation letters to
 12 Instagram requesting they preserve all evidence related to the accounts, BENSON
 13 INSTAGRAM ACCOUNT, MV INSTAGRAM ACCOUNT 1, MV INSTAGRAM
 14 ACCOUNT 2 and MV2 INSTAGRAM ACCOUNT; as well as to Roblox requesting they
 15 preserve all evidence related to the MV ROBLOX ACCOUNT, under authority of Title
 16 18, United States Code, Section 2703(f)(1), for a period of 90 days. The preservation
 17 letters requested the preservation of all account content and communications, subscriber
 18 information, IP addresses used to register the account as well as connection logs.

19 32. As noted, the SUBJECT ACCOUNTS were the subject of a previous
 20 warrant application, which I am resubmitting to correct technical deficiencies in that
 21 original application so the providers can provide the requested information.

VII. INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

23 33. Pursuant to Title 18, United States Code, Section 2703(g), this application
 24 and affidavit for a search warrant seeks authorization to permit Instagram and Roblox,
 25 and their representatives and employees, to assist agents in the execution of these
 26 warrants. Once issued, the search warrants will be presented to Instagram and Roblox
 27 with direction that each company identify the accounts described in Attachment A, as
 28

1 well as other subscriber and log records associated with the SUBJECT ACCOUNTS, as
2 set forth in Attachment B.

3 34. The search warrants will direct Instagram and Roblox to create an exact
4 copy of the specified accounts and records.

5 35. I, and/or other law enforcement personnel will thereafter review the copy of
6 the electronically stored data, and identify from among that content those items that come
7 within the items identified in Section II to Attachment B, for seizure.

8 36. Analyzing the data contained in the forensic image may require special
9 technical skills, equipment, and software. It could also be very time-consuming.
10 Searching by keywords, for example, can yield thousands of “hits,” each of which must
11 then be reviewed in context by the examiner to determine whether the data is within the
12 scope of the warrant. Merely finding a relevant “hit” does not end the review process.
13 Keywords used originally need to be modified continuously, based on interim results.
14 Certain file formats, moreover, do not lend themselves to keyword searches, as keywords,
15 search text, and many common e-mail, database and spreadsheet applications do not store
16 data as searchable text. The data may be saved, instead, in proprietary non-text format.
17 And, as the volume of storage allotted by service providers increases, the time it takes to
18 properly analyze recovered data increases, as well. Consistent with the foregoing,
19 searching the recovered data for the information subject to seizure pursuant to this
20 warrant may require a range of data analysis techniques and may take weeks or even
21 months. All forensic analysis of the data will employ only those search protocols and
22 methodologies reasonably designed to identify and seize the items identified in Section II
23 of Attachment B to the warrant.

24 37. Based on my experience and training, and the experience and training of
25 other agents with whom I have communicated, it is necessary to review and seize a
26 variety of messenger communications, chat logs, files, payment records and documents,
27 that identify any users of the subject account and communications sent or received in
28

1 temporal proximity to incriminating messages that provide context to the incriminating
2 communications.

VIII. CONCLUSION

4 38. Based on the forgoing, I request that the Court issue the proposed search
5 warrants. This Court has jurisdiction to issue the requested warrants because it is “a court
6 of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),
7 (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .
8 that - has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).
9 Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not
10 required for the service or execution of this warrant. Accordingly, by this Affidavit and
11 Warrant, I seek authority for the government to search all of the items specified in
12 Section I, Attachment B, and specifically to seize all of the data, documents and records
13 that are identified in Section II to that same Attachment.

Jayme McFarland, Affiant
Special Agent
Homeland Security Investigations

SUBSCRIBED and SWORN to before me this 15th day of February, 2018.

DAVID W. CHRISTEL
United States Magistrate Judge

1 **ATTACHMENT A – THE SUBJECT ACCOUNTS**
2 **SUBJECT INSTAGRAM ACCOUNTS to be Searched**

3 The electronically stored data, information and communications contained in,
4 related to, and associated with, including all preserved data associated with Instagram
5 LLC accounts:

6 B3stingbeast
7 
8
9

10 as well as all other subscriber and log records associated with the account, which are
11 located at premises owned, maintained, controlled or operated by Instagram LLC a social
12 media application provider headquartered at 1601 Willow Road, Menlo Park, California,
13 94025.

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1 **SUBJECT ROBLOX ACCOUNT to be Searched**

2 The electronically stored data, information and communications contained in,
3 related to, and associated with, including all preserved data associated with Roblox
4 accounts:

5 [REDACTED]
6
7 as well as all other subscriber and log records associated with the account, which are
8 located at premises owned, maintained, controlled or operated by Roblox, an electronic
9 user-generated multiplayer online social gaming platform provider, headquartered at 60
10 East Third Avenue, Suite 201, San Mateo, CA 94401.

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ATTACHMENT B

SUBJECT INSTAGRAM ACCOUNTS to be Searched

I. Information to be disclosed

4 To the extent that the information described in Attachment A related to the
5 SUBJECT INSTAGRAM ACCOUNTS to be Searched is within the possession, custody,
6 or control of Instagram LLC, including any communications, records, files, logs, posts,
7 payment records, or information that has been deleted but is still available to Instagram
8 LLC, or has been preserved pursuant to requests made under 18 U.S.C. § 2703(f),
9 Instagram LLC is required to disclose the following information to the government for
10 each SUBJECT INSTAGRAM ACCOUNT identifier listed in Attachment A:

11 //

12 //

13 //

14 //

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ATTACHMENTS - 3
USAQ #2017R01076

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 a. The contents of all communications associated with the account,
2 including stored or preserved copies of content sent to and from the account, draft
3 communications, the source and destination of any communications, the date and time at
4 which the communications were sent;

5 b. All records or other information regarding the identification of the
6 account, to include full name, physical address, telephone numbers and other identifiers,
7 records of session times and durations, the date on which the account was created, the
8 length of service, the IP address used to register the account, log-in IP addresses
9 associated with session times and dates, account status, alternative e-mail addresses
10 provided during registration, methods of connecting, log files, and means and source of
11 payment (including any credit or bank account number);

12 c. The types of service utilized;

13 d. All records or other information stored at any time by an individual
14 using the account, including address books, contact and buddy lists, calendar data,
15 pictures, files, and the contents of any accounts associated with SUBJECT INSTAGRAM
16 ACCOUNTS; and

17 e. All records pertaining to communications between
18 Facebook/Instagram and any person regarding the account, including contacts with
19 support services and records of actions taken.

1 **II. Information to be seized by the government**

2 All information described above in Section I that constitutes fruits, contraband,
3 evidence, and instrumentalities of violations of 18 U.S.C. § 2251(a) (Production of Child
4 Pornography), 18 U.S.C. § 2252(a)(2) (Receipt or Distribution of Child Pornography),
5 and 18 U.S.C. § 2422(b) (Enticement of a Minor) committed on or after August 1, 2017,
6 including, for each account or identifier listed in Attachment A, information pertaining to
7 the following matters:

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1 a. All messages, documents, and profile information, attachments, or
2 other data that serves to identify any persons who use or access the account specified, or
3 who exercise in any way any dominion or control over the specified account;

4 b. Any address lists or "friend"/contact lists associated with the
5 specified account;

6 c. All images/videos of child pornography, any messages or documents
7 relating to the transmission of child pornography (including any attachments thereto), and
8 any profile information from other file- or photo-sharing websites;

9 d. The types of services utilized;

10 e. All messages, documents, attachments and data content relating to or
11 referencing contact between Morgan Robert Benson, MV1, MV2, and/or any other
12 minors;

13 f. All subscriber records associated with the specified account,
14 including name, address, local and long distance telephone connection records, or records
15 of session times and durations, length of service (including start date) and types of
16 service utilized, telephone or instrument number or other subscriber number or identity,
17 including any temporarily assigned network address, and means and source of payment
18 for such service) including any credit card or bank account number;

19 g. Any and all other log records, including IP address captures,
20 associated with the specified account; and

21 h. Any records of communications between Instagram LLC, and any
22 person about issues relating to the account, such as technical problems, billing inquiries,
23 or complaints from other users about the specified account, including records of contacts
24 between the subscriber and the provider's support services, as well as records of any
25 actions taken by the provider or subscriber as a result of the communications.

26
27 Notwithstanding the criminal offenses defined under 18 U.S.C. § 2252 and 2252A or
28 any similar criminal offense, Instagram LLC shall disclose information responsive
to this warrant by mailing it to Homeland Security Investigations, Attn: Special

1 Agent Jayme McFarland at 1000 Second Ave, Suite 2300, Seattle, WA 98104 or via
2 email to Jayme.N.McFarland@ice.dhs.gov.

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ATTACHMENTS - 7
USAO #2017R01076

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 **CERTIFICATE OF AUTHENTICITY OF DOMESTIC**
2 **RECORDS PURSUANT TO FEDERAL RULES OF**
3 **EVIDENCE 902(11) AND 902(13)**

4 I, _____, attest, under penalties of perjury by
5 the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the
6 information contained in this certification is true and correct. I am employed by
7 Instagram LLC, and my title is _____. I am qualified to
8 authenticate the records attached hereto because I am familiar with how the records were
9 created, managed, stored, and retrieved. I state that the records attached hereto are true
10 duplicates of the original records in the custody of Instagram LLC. The attached records
11 consist of _____ [GENERALLY DESCRIBE RECORDS
12 (pages/CDs/megabytes)]. I further state that:

13 a. all records attached to this certificate were made at or near the time of the
14 occurrence of the matter set forth by, or from information transmitted by, a person with
15 knowledge of those matters, they were kept in the ordinary course of the regularly
16 conducted business activity of Instagram LLC, and they were made by Instagram LLC as
17 a regular practice; and

18 b. such records were generated by Instagram LLC'S electronic process or
19 system that produces an accurate result, to wit:

20 1. the records were copied from electronic device(s), storage
21 medium(s), or file(s) in the custody of Instagam LLC in a manner to ensure that they are
22 true duplicates of the original records; and

2. the process or system is regularly verified by Instagram LLC, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date	Signature
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1 **SUBJECT ROBLOX ACCOUNT TO BE SEARCHED**

2 **I. Information to be disclosed**

3 To the extent that the information described in Attachment A related to the MV
4 ROBLOX ACCOUNT to be searched is within the possession, custody, or control of
5 Roblox, including any communications, records, files, logs, posts, payment records, or
6 information that has been deleted but is still available to Roblox, or has been preserved
7 pursuant to requests made under 18 U.S.C. § 2703(f), Roblox is required to disclose the
8 following information to the government for the MV ROBLOX ACCOUNT identifiers
9 listed in Attachment A:

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1 a. The contents of all communications associated with the account,
2 including stored or preserved copies of content sent to and from the account, draft
3 communications, the source and destination of any communications, the date and time at
4 which the communications were sent;

5 b. All records or other information regarding the identification of the
6 account, to include full name, physical address, telephone numbers and other identifiers,
7 records of session times and durations, the date on which the account was created, the
8 length of service, the IP address used to register the account, log-in IP addresses
9 associated with session times and dates, account status, alternative e-mail addresses
10 provided during registration, methods of connecting, log files, and means and source of
11 payment (including any credit or bank account number);

12 c. The types of service utilized;

13 d. All records or other information stored at any time by an individual
14 using the account, including address books, contact and buddy lists, calendar data,
15 pictures, files, and the contents of any accounts associated with the MV ROBLOX
16 ACCOUNT; and

17 e. All records pertaining to communications between Roblox and any
18 person regarding the account, including contacts with support services and records of
19 actions taken.

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1 **II. Information to be seized by the government**

2 All information described above in Section I that constitutes fruits, contraband,
3 evidence, and instrumentalities of violations of 18 U.S.C. § 2251(a) (Production of Child
4 Pornography), 18 U.S.C. § 2252(a)(2) (Receipt or Distribution of Child Pornography),
5 and 18 U.S.C. § 2422(b) (Enticement of a Minor) committed on or after August 1, 2017,
6 including, for each account or identifier listed in Attachment A, information pertaining to
7 the following matters:

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- 1 a. All messages, documents, and profile information, attachments, or
2 other data that serves to identify any persons who use or access the account specified, or
3 who exercise in any way any dominion or control over the specified account;
- 4 b. Any address lists or “friend”/contact lists associated with the
5 specified account;
- 6 c. All images/videos of child pornography, any messages or documents
7 relating to the transmission of child pornography (including any attachments thereto), and
8 any profile information from other file- or photo-sharing websites;
- 9 d. The types of services utilized;
- 10 e. All messages, documents, attachments and data content relating to or
11 referencing contact between Morgan Robert Benson, MV1, MV2, and/or any other
12 minors;
- 13 f. All subscriber records associated with the specified account,
14 including name, address, local and long distance telephone connection records, or records
15 of session times and durations, length of service (including start date) and types of
16 service utilized, telephone or instrument number or other subscriber number or identity,
17 including any temporarily assigned network address, and means and source of payment
18 for such service) including any credit card or bank account number;
- 19 g. Any and all other log records, including IP address captures,
20 associated with the specified account; and
- 21 h. Any records of communications between Roblox, and any person
22 about issues relating to the account, such as technical problems, billing inquiries, or
23 complaints from other users about the specified account, including records of contacts
24 between the subscriber and the provider’s support services, as well as records of any
25 actions taken by the provider or subscriber as a result of the communications.

26 **Notwithstanding the criminal offenses defined under 18 U.S.C. § 2252 and 2252A or**
27 **any similar criminal offense, Roblox shall disclose information responsive to this**
28 **warrant by mailing it to Homeland Security Investigations, Attn: Special Agent**

1 **Jayne McFarland at 1000 Second Ave, Suite 2300, Seattle, WA 98104 or via email**
2 **to Jayne.N.McFarland@ice.dhs.gov.**

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ATTACHMENTS - 14
USAO #2017R01076

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 **CERTIFICATE OF AUTHENTICITY OF DOMESTIC**
2 **RECORDS PURSUANT TO FEDERAL RULES OF**
3 **EVIDENCE 902(11) AND 902(13)**

4 I, _____, attest, under penalties of perjury by
5 the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the
6 information contained in this certification is true and correct. I am employed by
7 ROBLOX, and my title is _____. I am qualified to
8 authenticate the records attached hereto because I am familiar with how the records were
9 created, managed, stored, and retrieved. I state that the records attached hereto are true
10 duplicates of the original records in the custody of ROBLOX. The attached records
11 consist of _____ [GENERALLY DESCRIBE RECORDS
12 (pages/CDs/megabytes)]. I further state that:

13 a. all records attached to this certificate were made at or near the time of the
14 occurrence of the matter set forth by, or from information transmitted by, a person with
15 knowledge of those matters, they were kept in the ordinary course of the regularly
16 conducted business activity of ROBLOX, and they were made by ROBLOX as a regular
17 practice; and

18 b. such records were generated by ROBLOX'S electronic process or system
19 that produces an accurate result, to wit:

20 1. the records were copied from electronic device(s), storage
21 medium(s), or file(s) in the custody of ROBLOX in a manner to ensure that they are true
22 duplicates of the original records; and

2. the process or system is regularly verified by ROBLOX, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date _____ Signature _____